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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,212	08/03/2000	Nicolas Vazquez	5150-44800	1157
35690	7590	04/14/2006		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. 700 LAVACA, SUITE 800 AUSTIN, TX 78701			EXAMINER KHATRI, ANIL	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/631,212	Applicant(s) VAZQUEZ ET AL.	
	Examiner Anil Khatri	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 71-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to the request for reconsideration filed on 2/16/06.
2. As per applicant request claims 71-104 has been considered but they are not persuasive.
3. Claims 71-104 stand rejected under 35 U.S.C. 102(a) as being anticipated by *Chin et al.*, "Model Based Recognition in Robot Vision" ACM Computing Surveys, vol. 18, no. 1, pp 67-108, March 1986.

In remarks applicant argues,

I) "Computer readable memory medium that stores program instructions for creating a prototype for performing a machine vision process to solve a machine vision problem wherein the program instructions are computer executable to perform displaying information indicating a plurality of machine vision problems".

II) "Receiving user input selecting a machine vision problem".

III) "Automatically creating a prototype in response to the selected machine vision problem wherein the prototype comprise information specifying a sequence of functions usable by a prototyping environment to invoke the sequence of function to perform machine vision process that solves the selected machine vision problem".

In response to applicant's arguments,

I) It was noted that cited reference fairly suggest program instructions for creating a prototype for performing a machine vision process to solve a machine vision problem wherein the program

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instructions are computer executable to perform displaying information indicating a plurality of machine vision problems. Further, reference teaches and algorithm to solve machine vision problems in plurality of problems (page 73, column 1, last paragraph, “recognition algorithm ...”). Reference using computing process and algorithm to solve a problem, which inheritably stored in a computer’s memory to match n-dimensions of an image. Therefore, examiner interprets that reference fairly suggesting plurality of problems can be solved in industrial step up using computer and an algorithm. Thus, limitations are met by the reference.

II) It was also noted that reference fairly discloses receiving user input selecting a machine vision problem (page 75, column 1, last paragraph, “user interactively select...” and page 86, column 1, first paragraph, “which are selected by user...”), therefore examiner interprets that reference teaches that user is interactive and is able to select different problems. Therefore, limitations are met by the reference.

III) Reference further teaches automatically creating prototype for a particular machine vision problem and also allows to computer values for each feature been selected (page 75, column 1, last paragraph, “is the prototypical system..”). Thus, examiner interprets that reference discloses a method which allows prototyping for a problem and provide more information about the features were taken into consideration to solve problem. Therefore, limitations are met by the reference.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANIL KHATRI
PRIMARY EXAMINER